

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5**

**PROSEGUR SECURITY GROUP
f/k/a COMMAND SECURITY CORPORATION,**

Employer.

and

Case No. 05-RC-260371

**COMMUNICATIONS WORKERS OF
AMERICA,**

Petitioner,

_____ /

**EMPLOYER’S REQUEST TO POSTPONE REPRESENTATION HEARING AND
EXTEND DEADLINE FOR STATEMENT OF POSITION**

Prosegur Security Group (the “Employer” or “Prosegur”), hereby requests to postpone the deadline for submitting the Statement of Position and representation hearing on the petition in Case No. 05-RC-260371 (the “Petition”) filed by the Communications Workers of America (“Petitioner” or “Union”) for two (2) business days pursuant Section 102.63 of the Rules and Regulations of the National Labor Relations Board. In support of this request, Prosegur states as follows:

1. On May 14, 2020, the Employer was served with a copy of the Petition and Notice of Representation Hearing.
2. From May 15 to May 20, counsel for the Employer has had several teleconferences with Bisi Dean, the board agent assigned to this case, regarding the Employer’s and Union’s positions on whether the petition should be dismissed under Section 9(b)(3) of the Act, and whether the unit description is appropriate in an attempt to narrow the issues and obviate the need for a hearing.

3. On May 20 around 1 p.m., Ms. Dean advised counsel for the Employer that the hearing will go forward with respect to whether the Union can represent the petitioned for unit under Section 9(b)(3) and the remaining unit issues.

4. The Employer's Statement of Position is currently due at 12 p.m. EST on May 21, and the hearing is scheduled for 9 a.m. EST on May 22.

5. Counsel for the Employer contacted counsel for the Union by telephone to obtain his consent to a request for postponement of two (2) business days for submitting the Statement of Position and for the hearing. Counsel for the Union does not consent to this postponement request.

6. Monday, May 25 is Memorial Day, a federal holiday.

7. With this extension, the Statement of Position would be due on Tuesday, May 26, 2020 at 12 p.m. EST. The representation hearing would commence on Wednesday, May 27, 2020. The Employer requests that the hearing commence at 12 p.m. EST/9 a.m. PST. The undersigned counsel is sheltering in place in California due to COVID-19 and we therefore request a 12 p.m. EST start time.

8. For the reasons explained above, including the short time period between the May 20 call with Ms. Dean and the scheduled deadlines of May 21 and May 22 in addition to the current circumstances related to COVID-19 that make it more difficult for counsel to the Employer to communicate with potential witnesses and obtain the necessary evidence, special circumstances exist supporting the Employer's request for this brief postponement.

Conclusion

The Employer respectfully requests that the Regional Director postpone for two (2) business days (1) the Employer's Statement of Position to be due by 12 p.m. EST on May 26, 2020, and (2) the representation hearing, to be on May 27, 2020 commencing at 1 p.m. EST.

Respectfully Submitted,

JACKSON LEWIS P.C.

By: /s/Laura A. Pierson-Scheinberg
Laura A. Pierson-Scheinberg
50 California Street, 9th Floor
San Francisco, CA 94111
Telephone: (415) 394-9400
Facsimile: (415) 394-9401
Laura.PiersonScheinberg@jacksonlewis.com

Chelsea L. Hartnett
Jackson Lewis P.C.
2800 Quarry Lake Drive, Suite 200
Baltimore, MD 21209
Telephone: (410) 415-2055
Facsimile: (410) 415-2001
Chelsea.Hartnett@jacksonlewis.com

Counsel for Employer

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of May, 2020, a copy of the foregoing Request To Postpone Representation Hearing And Extend Deadline For Statement Of Position was e-filed with Region 5, and a copy was sent by electronic mail to the Region and following counsel:

Sean Marshall
Acting Regional Director
National Labor Relations Board, Region 5
Bank of American Center, Tower II
100 S. Charles Street, Suite 600
Baltimore, MD 21201

Bisi Dean
Field Examiner
National Labor Relations Board, Region 5
Bank of American Center, Tower II
100 S. Charles Street, Suite 600
Baltimore, MD 21201

Alex Van Schaik
Counsel
Communications Workers of America
501 3rd Street NW 6th Floor
Washington DC 20001

/s/ Chelsea L. Hartnett
Chelsea L. Hartnett